

REMARKS

Claims 1 - 23 remain active in this application. Amendment of claim 17 has been requested to improve form and clarity. Support for the amendment of claim 17 is found throughout the application, particularly in Figures 7 and 8 and the description thereof on pages 24 - 30 and, especially, pages 36 - 37. No new matter has been introduced into the application. The indication of the allowability of the subject matter of claims 1 - 16 and 19 - 23 is noted with appreciation.

The acceptance of the drawings filed on March 11, 2004 is noted with appreciation.

Claims 17 and 18 have been rejected under 35 U.S.C. §102 as being anticipated by Keating et al. Specifically, the Examiner has indicated on page 4 of the office action that because the claim language of the present invention fails to recite a filtering system as "a correction factor of luminance value to avoid flickering," Keating et al. anticipates the present invention. This ground of rejection is respectfully traversed, particularly as being moot in view of the amendment to claim 17 which adds the language "whereby flicker is suppressed without engendering artifacts regardless of image content."

It is respectfully submitted that the processing provided in Keating et al., and which the Examiner explicitly relies, does not answer the filtering recitations of claim 17 as admitted on the record. Particularly, the Examiner has indicated on page 3 of the Office Action, at paragraph 6, that Keating et al. "does not show determining a correction in accordance with a filter transfer function." This language appears substantially verbatim in claim 17 as rejected and has

been amended to include a further instance of this language, for emphasis and clarity. Therefore, it is respectfully submitted that this ground of rejection is clearly in error on the record and even more untenable in view of the above amendment.

Moreover, in Keating et al., the truncating and clipping (as well as scaling and subtracting) are used in the process of computing a correction value of a nonlinear level dependence function. In contrast, the invention as claimed performs clipping and truncating of the clipped value for determining a correction factor from data which is compressed by a process including the recited clipping and truncating such that fewer bits are used to determine the correction factor (See FIG. 7 of the claimed invention).

Further, Keating et al. is directed to interpolating interleaved image fields in order to have data available for display in the event a field or a portion thereof is not received or is corrupted. Accordingly, Keating et al. provides high-pass and band-pass filtering in the horizontal and vertical directions as an enhancement to detail in the image. This passage of Keating et al. now relied upon by the Examiner is directed to reduction of that enhancement at low intensity levels where noise levels are increased by gamma correction.

In contrast, the filtering provided by the invention to reduce or eliminate perceptible flickering without introduction of additional artifacts is a correction factor for a luminance value to prevent apparent flickering between video fields when a large intensity/luminance difference (e.g. characteristic of increased image contrast or contrasting image detail which Keating et al. seeks to emphasize) is encountered between vertically adjacent pixels of sequential (odd and

even) fields and, for that reason, uses the data of one field to calculate or otherwise derive a correction value to be applied to the "corresponding" digital data of the sequential field; a process which is respectfully submitted to be aptly described by the language: "filtering *respective values of said digital data with corresponding ones of said truncated digital signal values*" as recited in claim 17 as originally filed (emphasis added) and which is not answered by the high-pass and/or band-pass filtering of Keating et al. since the filtering of Keating et al. filters a value computed *from* a truncated value (and other values) but does not filter a digital value *with* a truncated value of corresponding digital data (e.g. using the truncated value to determine the filtering effect or correction factor to be applied to the digital data being filtered). The high-pass and/or band-pass filtering of Keating et al. certainly does not answer the recitation of "filtering respective values of said digital data, said filtering being performed using corresponding ones of said truncated digital signal values to determine a correction factor *for each of said respective values* in accordance with a filter transfer function *for determining a correction in accordance with a filter transfer function, whereby, when said digital data represents video information, flicker is suppressed without engendering artifacts regardless of image content.*" of claim 17 as now amended for emphasis.

Therefore, it is respectfully submitted that Keating et al. does not anticipate claims 17 and 18 either as filed or as now amended. The statement of the rejection does not make a *prima facie* demonstration of anticipation since the passage of Keating et al. which the Examiner quotes does not

support the Examiner's assertion which glosses and does not reflect the clear and evident import of the recitation of "filtering...with...said truncated digital signal values"; the substance of which has been emphasized by the amendatory language presented above. Moreover, the Examiner has not made and cannot make a *prima facie* demonstration of anticipation by Keating et al. since claim 17, as rejected and particularly as now amended, contains recitations admitted by the Examiner to be absent from Keating et al. Accordingly, since the stated ground of rejection is clearly in error, reconsideration and withdrawal of the same is respectfully requested.

The Examiner has objected to 19 - 23 as depending from a rejected claim. This objection is also respectfully traversed as being moot since the impropriety of the rejection of claims 17 and 18 has been fully demonstrated above. Therefore, this objection is respectfully submitted to be fully answered by the above response to the rejection of claims 17 - 18 and reconsideration and withdrawal thereof is respectfully requested.

It is respectfully submitted that the entry of the above-requested amendment is well-justified. No new issues can be raised by the amendment since amendatory language principally repeats language already present in the claims and admittedly absent from the reference relied upon or incorporates language which the Examiner has effectively requested in the discussion of the sole ground of rejection and which the amendatory language directly answers. Further, for those reasons, entry of the requested amendment is well-justified as placing the application in *prima facie* condition for allowance based on the Examiner's comments

made of record in the present action. In the alternative, entry of the amendment is also well-justified as placing the application in better form for Appeal by materially reducing and/or simplifying issues. Accordingly, entry of the above-requested amendment to claim 17 is respectfully requested.

Since all rejections, objections and requirements contained in the outstanding official action have been fully answered and shown to be in error and/or inapplicable to the present claims, it is respectfully submitted that reconsideration is now in order under the provisions of 37 C.F.R. §1.111(b) and such reconsideration is respectfully requested. Upon reconsideration, it is also respectfully submitted that this application is in condition for allowance and such action is therefore respectfully requested.

If an extension of time is required for this response to be considered as being timely filed, a conditional petition is hereby made for such extension of time. Please charge any deficiencies in fees and credit any overpayment of fees to Deposit Account No. 09-0457 of International Business Machines Corporation (Endicott).

Respectfully submitted,



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